



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

NOV 24 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7012 1640 0001 7092 1443

Trent Linkenmeyer
Linkenmeyer Family Feeders, LLC
13678 Bell Avenue
Riceville, Iowa 50466

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

Dear Mr. Linkenmeyer:

On March 26, 2014, representatives of the U.S. Environmental Protection Agency performed an inspection of your animal feeding operation. The inspection report was transmitted to you in September 2014. First, the EPA would like to commend you for your efforts to harness the energy production potential of the manure generated by your operation. However, the inspection identified some Clean Water Act concerns that require some follow up.

The inspection confirmed that your animal feeding operation meets the definition of a large concentrated animal feeding operation. As a CAFO, the operation cannot discharge pollutants to a water of the United States unless the discharge is authorized by a National Pollutant Discharge Elimination System permit. The inspection documented that you have installed a number of runoff control structures that help reduce the risk of pollutants discharging to nearby streams. However, the inspection also documented runoff containment structures that were not operated as designed. The inspection also documented several outdoor production areas that did not appear to have adequate runoff controls to prevent pollutant discharges. The concerns are compounded by inspector observations of erosional flow paths that evidenced that the controls were not containing process wastewater.

You also informed the EPA inspector that you did not intend to seek NPDES permit coverage. We reiterate that abstaining from NPDES permit coverage requires that all production area discharges are prohibited. Discharges are also prohibited from all land application areas unless nutrient management practices are implemented and can be documented. It is possible, with proper operation and maintenance, that the runoff controls at your operation are adequate to meet the discharge restrictions applicable to being a NPDES permit holder. However, inspector observations make it questionable as to whether your operation can meet the zero-discharge criteria applicable to an unpermitted CAFO.

The purpose of this letter is to obtain additional information necessary for the agency to evaluate your CAFO's compliance with the CWA. Section 308 of the CWA, 33 U.S. § 1318, authorizes the agency to request information to determine compliance with the CWA. Animal feeding operations are effluent sources subject to Section 308 of the CWA. The agency requests the following information:

- Please provide copies of engineering documents, design plans or other documents illustrating the runoff controls that have been or will be installed at your operation. Included with these documents, please provide the runoff storage capacity of any structure, including field terraces, you assert will contain runoff from your operation. Also, please provide the precipitation event intensity and duration the controls are designed to contain. For example, how many inches of rainfall in a 24-hour period are the controls capable of containing.
- Please describe in detail the procedures you have in place to prevent pollutant discharges when single-day or multi-day precipitation events exceed the design capacity of the runoff controls that have been or will be installed. In this description, please specifically detail how you intend to dewater runoff control structures when land application areas are unavailable because of saturated soil conditions.

The required information must be submitted no later than twenty-one (21) calendar days after receipt of this letter to:

Angela Acord
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219.

It is a concern that the runoff controls you have constructed, or will construct, have a limited storage capacity. Recent single day and extended periods of rain in Iowa have demonstrated the value provided by NPDES permit coverage. Permitted operations in Iowa were able to invoke discharge authorization when runoff control structures no longer had storage capacity and saturated soil conditions prevented basin dewatering by land application. Such an authorization is unavailable to you without the NPDES permit. Moreover, document-supported nutrient management practices are necessary to invoke the agricultural stormwater exemption for runoff from land application areas. Without NPDES permit authorization, the agricultural exemption will not be available to you if precipitation events require you to land apply to wet soil, frozen soil or other conditions that do not allow adequate agricultural utilization.

The agency recommends that CAFOs with outdoor production areas should seek NPDES permit coverage for liability protection and to establish management practices that best protect water quality.

Important Information about this Request and the Response

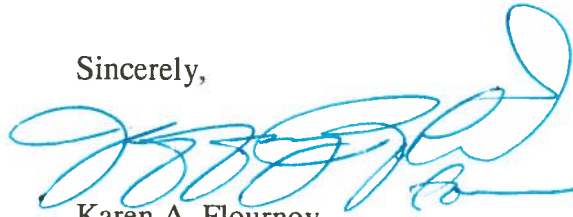
Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the agency reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the agency's March 2014 inspection.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part or all of the information submitted to the agency under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905. The agency will consider and process such a request pursuant to such statutes and the agency regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is

submitted to the agency, it may be made available to the public by the agency without further notice to the Facility. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Acord, at phone number (913) 551-7914 or electronic mail at acord.angela@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen A. Flourney', with a large, stylized loop at the end.

Karen A. Flourney
Director

Water, Wetlands and Pesticides Division

cc: Ken Hessenius IDNR (via electronic copy)
Tom McCarthy IDNR (via electronic copy)